



MINUTES - SHOREWOOD BOARD OF TRUSTEES
Village Board Meeting
March 16, 2020

1. Call to Order

In the absence of President Rozek, Tr. McKaig, Public Safety Chair chaired the meeting per ordinance Tr. McKaig called the meeting of the Village Board to order at 7:36 p.m. in the Court Room.

2. Roll Call

Tr. McKaig called the roll. Present in person: Trustees Davida Amenta, Tammy Bockhorst, Ann McKaig. Present over the phone: Jessica Carpenter, Michael Maher and Wesley Warren and President Rozek.

Others Present: Village Manager Rebecca Ewald, Assistant Village Manager Tyler Burkart, Public Works Director Leeann Butschlick, Assistant Public Works Director Joel Kolste and Library Director Rachel Collins.

3. Statement of Public Notice

Rebecca Ewald stated that the meeting had been posted and noticed according to law.

4. Special Order of Business

- a. Consider Resolution 2020-07 Authorizing the Issuance and Sale of \$3,590,000 General Obligation Refunding Bonds, Series 2020A.

Finance Director Emanuelson reported the two bond resolutions this evening represents a combined savings to the Village of \$193,266 in debt payments over the next five years.

Tr. Amenta moved and Tr. Bockhorst seconded to approve Resolution 2020-07 Authorizing the Issuance and Sale of \$3,590,000 General Obligation Refunding Bonds, Series 2020A. Motion carried by roll call vote 6-0.

- b. Consider Resolution 2020-08 Authorizing the Issuance and Sale of \$835,000 Taxable General Obligation Refunding Bonds, Series 2020B.

Tr. Amenta moved and Tr. Warren seconded to approve Resolution 2020-08 Authorizing the Issuance and Sale of \$835,000 Taxable General Obligation Refunding Bonds, Series 2020B. Motion carried by roll call vote 6-0.

- c. Consider Atwater Beach rule for smoking in designated area(s). (7:35 p.m.)

5. Consent Agenda Items (7:40 p.m.)

- a. Accept Presentation of Accounts – March 16, 2020
- b. Consider Application for Special Privilege for 2nd floor balconies over the public right of way, and an ADA compliant accessibility ramp within the public right of way at 4001-4007 N. Downer Ave.
- c. Consider Application for Special Privilege Approval for outdoor seating in the sidewalk public right of way at:

Blue's Egg, 4195 N. Oakland Ave.

- d. Consider Memorandum of Understanding with the Shorewood School District for crossing guard services.
- e. Consider service agreement for crossing guard services.
- f. Consider service agreement for 4th of July Coordination services.
- g. Consider appointment for Library Board.

Tr. Carpenter moved and Tr. Maher seconded to approve the consent agenda. Tr. Amenta requested to pull 5d Consider Memorandum of Understanding with the Shorewood School District for crossing guard services. No action was taken on the motion. Tr. Maher moved and Tr. Warren seconded to approve the consent agenda minus item 5d. Motion carried 6-0.

6. Items Removed from the Consent Agenda (7:42 p.m.) –

Consider Memorandum of Understanding with the Shorewood School District for crossing guard services.

Tr. Amenta noted on page one the term of the agreement stated September July 1. It was clarified that it should read July 1 and will be corrected in the document.

Tr. Amenta moved and Tr. Maher seconded to approve the Memorandum of Understanding with the Shorewood School District for crossing guard services. Motion carried 6-0.

7. Public Hearing(s) (7:42 p.m.) - None

8. Citizens to be heard – This item is for matters not on the agenda. Discussion may follow comment on non-agenda items or discussion and action may come at future meetings. – (7:43 p.m.)

Donna Pollack, 4395 N. Alpine – would like the trustees to reconsider the vote regarding the smoking ban at Atwater Beach for several reasons, as many groups overwhelmingly support the ban of smoking on the beach. There is little beach left and a designated area simply won't work within the spatial constraints. Doing it incrementally will not work.

Jenny Cooney Vulpas, 4331 N. Alpine – echoes Ms. Pollack's comments. She noted the residents are requesting a ban on smoking at the beach and hopes the Board implements at the request of the residents.

9. New Business

a. Consider Southeast Area Combined Sewer Improvement design engineer. (7:46 p.m.)

President Rozek called in for the meeting. Tr. Maher, Chair of the Public Works Committee, was on a review panel with the Director of Public Works, Ast. Director Public Works, Village Manager, Finance Director and Village President to interview and select the design consultant. The matter was reviewed at the Public Works Standing Committee and they recommended approval of Strand & Associated for the SEACSI. There was approximately a \$300,000 difference between Strand and CDM Smith, the second runner up for the contract. President Rozek did not concur with the selection committee, Ast. Public Works Director also had some concerns about Strand; however, the Public Works Committee continued to recommend Strand as they could not warrant spending an additional \$300,000 for CDM Smith.

President communicated concerns with the review committee recommendation and process. She was dismayed that her understanding of the recommendation from the review committee was split. She believes that \$300,000 is within an acceptable range given the scope for a \$20 million project. President believes that CDM Smith was the most qualified. Strand provided

different alternatives within their presentation. The RFP did not ask for consideration of alternative routes. She does not believe it was fair that it was evaluated in the course of providing a recommendation.

Tr. Carpenter the Public Works Committee had discussion with the staff to learn about the different viewpoints and the committee voted for Strand. It was also noted that \$300,000 was a large cost difference and savings should Strand be selected.

Tr. Amenta the recommendation from the interview committee was CDM Smith. She relayed the Finance Director and the Village Manager were in favor of Strand. It was relayed that only President Rozek and Assistant Director of Public Works were in favor of CDM Smith. The Committee thoroughly discussed the matter.

Tr. Maher was impressed that Strand had taken the initiative to consider alternative routes and considering resident impacts in advance. CDM Smith is the engineer for MMSD on the Edgewood Sewer. MMSD believed they could work with either engineering closely if the need arises for any political negotiations. Tr. Maher could not recall the Finance Director taking a position for CDM following the second interviews. President Rozek disagreed.

Director Butschlick's recollection following the second interview was that there several committee members that asked to digest and reflect on the interviews prior to stating their preference. Following the second interview, Director Emanuelson, Director Butschlick and Village Manager Ewald recommended Strand.

Tr. McKaig and Bockhorst noted their support for the Public Works Committee recommendation of Strand.

Tr. Maher and Tr. Bockhorst moved to approve engineering design services agreement with Strand and Associates Inc. for the SEACSI improvement.

President Rozek voiced her concerns with a long review process and her dismay that not all members were present to discuss their recommendation following the process.

Tr. Amenta questioned whether the amount of the contract needs to be included within the motion.

Director Butschlick clarified the dollar amount should be included in the motion. The contract was with Strand was \$705,200; however, additional adjustments were included in the memo that would be added: 1) \$25,000 for geotechnical services, 2) \$20,000 for public outreach and \$35,000 for design of the Lake Drive water main. There may be a way to include additional language to include these estimated items. Tr. Maher noted that Strand relayed that the water main design would be \$30,000 - \$40,000 and for the memo's purposes \$35,000 was documented.

Atty. Bayer advised that Strand responded to the RFP to move approval with Strand and Associated in the amount of \$705,200, unless there has been discussion with them for additional services. If the Board relays that the number is not to exceed a specific number, other than that, if you don't put a number in the motion, it will simply be the amount of the proposal returned.

President Rozek noted that the process was flawed and she does not find the process was well executed.

Tr. Maher noted that the Village will likely be subcontracting directly with the geotechnical firm.

Strand did mention that they could contract for public relations or the Village could contract directly for public relations services. The Lake Drive water main was after further discussion could be added to the proposal.

Tr. Maher provided a friendly amendment to his prior motion, to approve the engineering design services agreement with Strand and Associates Inc. for the SEASCI project with the base amount of \$705,200 with the addition of \$25,000 for geotechnical services, \$20,000 for public relations and \$35,000 for design of the Lake Drive water main for up to a maximum of \$785,200. Tr. Bockhorst seconded to the friendly amendment.

Atty. Bayer advised that it would be helpful to the public for the Chair to recognize someone when speaking so anyone when speaking can know who if speaking to the issue, as we have members on the phone and in person at the meeting.

Tr. Maher again stated his motion with friendly amendment provided a friendly amendment to approve the engineering design services agreement with Strand and Associates Inc. for the SEASCI project with the base amount of \$705,200 with the addition of \$25,000 for geotechnical services, \$20,000 for public relations and \$35,000 for design of the Lake Drive water main for up to a maximum of \$785,200. Tr. Bockhorst seconded to the friendly amendment.

Tr. Warren noted due to the cost difference he was comfortable with the motion and friendly amendment by Tr. Maher.

President Rozek inquired if the three items added were added to the contract were not proposed by the consultant. Can we evaluate things that were not in the proposal? Attorney Bayer advised it was a proper motion.

Tr. Bockhorst motioned to call the question. Call to question passed, 7-0.

Original motion with friendly amendment: to approve the engineering design services agreement with Strand and Associates Inc. for the SEASCI project with the base amount of \$705,200 with the addition of \$25,000 for geotechnical services, \$20,000 for public relations and \$35,000 for design of the Lake Drive water main for up to a maximum of \$785,200. Tr. Bockhorst seconded to the friendly amendment. The motion carried, 6-1, President Rozek nay.

- b. Consider Resolution #2020-02 a resolution declaring a public health emergency in response to the COVID-19 coronavirus.

The Village Manager requested the Board to pass a resolution declaring a public health emergency. Tr. McKaig clarified the resolution would allow the Village to apply for funding should some be made available and take proactive measures.

Tr. Maher moved to approve the resolution 2020-02 a resolution declaring a public health emergency in response to the COVID-19 coronavirus, Tr. Bockhorst seconded to approve the resolution.

Tr. McKaig commended the staff, elected and government agencies. It was clarified that Chief Nimmer is the Emergency Management Director. It was noted that the North Shore communities were discussing the next steps of opening an Emergency Operations Center (EOC) this week and where it would be located.

President Rozek requested that "County" is located within the resolution. It was clarified that

the Emergency Management Director is Chief Nimmer, but the advisement and direction is coming from the Health Department, as this is a public health emergency. It has been noted that expenditures from this emergency will not be counted against the Village's expenditure restraint requirements. The resolution notes the emergency to last for 60 days or June 16. The resolutions should specify the time applied and it has been utilized by other local governments as well.

Tr. Bockhorst noted that the declaration sends a strong message at the local level, in the absence of direction at the federal level. Tr. Warren noted appreciation for this taxing situation.

The Village Board approved the 2020-02 a resolution declaring a public health emergency in response to the COVID-19 coronavirus by roll call vote, 7-0.

- c. Possible consideration of policies regarding a) use of accrued time during quarantine, b) compensation with closing facilities, and c) extended leave. (8:26 p.m.)

Village Manager Ewald relayed that the situation is fluid and the memo reflects the current status of these items today. The memo will change moving forward. Staff queried several local municipalities, 80% of municipalities were requiring utilization of accrued time if out with the virus. Should a municipal close and send employees home, most municipalities are compensating the employees. This is different than closing the building to the public, where staff continues to have the ability to work inside. One challenge in this emergency is the election. The State continues to require the Village to hold the election resulting in significant interaction with the public, the opposite guidance being provided to the general public to stay home. The Village is in regular communication with the North Shore Health Department and will be advising the Village as our health professional with employees and Village services. Should the Village close a building, has no work for an employee or the employee is unable to work from home, the memo states the Village will be compensating employees at their regular rate of pay. Village Hall will be open solely for voting person and no other service moving forward. Building inspections would be limited to those that can be done with photo or Face time documentation. Overnight parking restrictions have been waived. There will likely be other questions and our staff will be evaluating next steps for parking administration. Municipal court has deferred all sessions through April. Employees should work from home with approval of their supervisor and is advised to observe social distancing. DPW essential services will be determined on a daily basis, given the staff available. There will be no special pickups or refuse/recycling weekend hours. Staff is awaiting guidance with open meetings laws. There will not be any Village meetings, unless otherwise required for operational items through April 10.

Tr. Bockhorst asked board members be brief with comments and that she was appreciated of the staffs work.

Tr. Amenta confirmed that supervisors can approve employees to work from home, if available. Ewald noted that all ADA requests would be handled on the case by case basis with the North Shore Health Department or the employee's health care provider. A supervisor may also send home an employee and the employee may use their own accruals and when a health professional provides documentation, sick time may be utilized. Tr. Amenta believes that we should pay our employees if they are sent home, employees should be able to utilize their sick leave if required to quarantine, and work from home, if approved by their supervisor. Atty. Bayer additionally noted that employees who travel are also required to self-quarantine based upon CDC guidance.

Village Manager Ewald noted that the staff is recommending moving forward with these

recommendations this evening, with the understanding that the policy will change based upon pending legislation and future legislation and that the policy would be subject to change at a future point in time.

President Rozek noted that she desired to share information from her ICC phone call. Tr. Bockhorst voiced her concern with the discussion. Tr. McKaig requested to know the level of comfort of the Board so that they as a group know what they need to achieve. Tr. Amenta noted that was important for Village Manager Ewald to get the Board's views, but that the Board should not be rewriting the document at this time.

Tr. Carpenter inquired is there is a plan to change the primary election date. The Governor's office and the legislature would be responsible for making any change; however, the staff is not optimistic that any change will be made to the election. Tr. Warren noted that he is comfortable with the first draft and that the situation is fluid and will change. Tr. Maher noted that he is comfortable moving forward with current draft. He emphasized that this is a work in progress and will be changing moving forward based upon legislation.

President Rozek believes that no more than 10 people should gather at a time and that we should be shut down. The current policy is not clear to her, she would like to be proactive and that all non-essential staff should be sent home or working from home, except those that need to be present. If the private sector is shutting down, the Village should shut down. Village Manager noted that staff may be re-assigned to assist with the election, as the clerk's office will not be able to handle the volume of work at this time. The Village Manager clarified that the direction she is hearing from the Board is that if the staff member is non-essential and not needed for re-assignment, they will be send home and paid. In addition, the Village Manager clarified that departments are in process of determining their staffing needs for essential functions, so that other may be dismissed if needed.

President Rozek preferred not to adopt this policy. She would prefer a clearer and more concise policy. Tr. Maher noted that this is step one in an ongoing process. Tr. Amenta noted that the policy should address caring for a family member with a serious health condition. She also inquired on parking regulations. Perhaps staff should consider relaxing daytime restrictions as well. Village Manager requested trustees to send her specific questions that the staff can review and address is priority order.

President Rozek moved to defer to the Village Manager's office to determine essential service at Village Hall for emergency services and all other employees will be released to work from home or go home and be paid for the entire time by the end of the week. Essentially sending all non-essential staff home and paying them.

Tr. Amenta clarified the current memo states that if we completely closed offices that employees are sent home and paid. So essentially President Rozek's request is consistent with the policy; however, we can't close the office because we need to conduct in-person absentee voting.

Tr. McKaig noted there was no second to the motion.

Tr. Maher moved to approve the document presented by the Village Manager and that she will come back with changes with additional suggestions when needed. Tr. Bockhorst seconded.

It was clarified that some of Tr. Amenta's additional suggestions were that village employees be paid when possible, as opposed to sick leave based upon the different scenarios presented in the memo. Tr. Amenta clarified that the Village Manager will need to use her discretion along with the guidance of the health director. The Village Manager has the right to send

people home. The Village Manager would consult with the Health Director to provide guidance as the health care professional to review employees' cases and provide the Village with direction in conjunction with our policy and FMLA procedures.

Tr. Bockhorst requested to call the question. Call to question passed 7-0.

Original motions: to approve the document presented by the Village Manager and that she will come back with changes with additional suggestions when needed. The motion carried 6-1, President Rozek voting nay.

10. Reports of Village Officials (9:25 p.m.)

- a. Village President – none.
- b. Village Trustees – Tr. Amenta was down at Atwater Beach and it is very narrow and it impacted her to think that we will likely not have large crowds due to the small area of the beach.
- c. Village Manager – none.

11. Items for future consideration (9:28 p.m.) –

President Rozek moved and Tr. Amenta seconded to consider a smoke free beach policy to come to full board. Motion carried 7-0. It was requested that the item come to full board so that it may be implemented prior to beach season.

12. Adjournment.

Tr. Bockhorst moved and Tr. Amenta seconded to adjourn at 9:29 p.m. Motion carried 7-0.

Respectfully submitted,

Rebecca Ewald
Village Manager